



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

State Board of Barber Examiners
Austin, Texas

Dear Mr. Curlee:

Attention: Mr. J. L. Curlee,
Secretary.

Opinion No. 0-4981

Re: Has the State Board of Barber Examiners the legal right to grant any one the privilege of taking an examination, who has never held a certificate of registration in Texas?

In your letter of November 20, 1942, you have requested our opinion on the following question:

"Has the State Board of Barber Examiners the legal right to grant any one the privilege of taking an examination who has never held a certificate of registration in Texas or any other state (even though he has practiced as a barber before the law went into effect) -- in accordance with Sections No. 16 and No. 17 of the Texas Barber law?"

Sections No. 16 and No. 17, which you quote in your letter are a part of what is now Article 734a of the Penal Code, and is a part of the Act known as the Texas Barber law. Said sections relate alone to the recognition of existing practicing barbers, and the credit for time previously spent by assistant barbers. In order for any one to have obtained the benefit of these sections, it was necessary for him to make application to the State Board of Barber Examiners within sixty days after the passage of said Act in 1933.

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As we construe your question, however, neither of said sections has any reference to the matter about which you are inquiring. Under Sections Nos. 7 and 8 of said Article 734a, the qualifications of an applicant for a certificate to practice barbering, and the qualifications of an applicant for an assistant barber are given. The State Barber Board is authorized, and is required, we think, to permit any one to take an examination who has the qualifications named in said sections.

Section 7 of said Act reads:

"Any person is qualified to receive a certificate of registration to practice barbering:

- "(a) Who is qualified under the provisions of Section 8 of this Act.
- "(b) Who is at least eighteen (18) years of age and who has practiced as an assistant barber under authority of a certificate issued by the Board of Barber Examiners, as such, for at least eighteen (18) months.
- "(c) Who is of good moral character and temperate habits; and
- "(d) Who has passed a satisfactory examination conducted by the Board to determine his fitness for practicing barbering."

Section 8 of said Act reads:

"Any person is qualified to receive a certificate of registration as a registered assistant barber

- "(a) Who is at least sixteen and a half years of age; and
- "(b) Who is of good moral character and temperate habits; and

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- "(c) Who has graduated from a school of barbering approved by the Board; and
- "(d) Who has passed a satisfactory examination conducted by the Board to determine his fitness to practice as a registered assistant barber."

Sections Nos. 10, 11 and 12 of said Act provide for the kind of an application which must be filed with the Board for an examination, and the manner and method of conducting the examination, and the conditions under which certificates shall be granted by the Board.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By *Geo W. Barcus*
Geo. W. Barcus
Assistant

GWB-HR

APPROVED DEC 2, 1942

Gerald C. Mann
ATTORNEY GENERAL OF TEXAS

